

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- v. -

RARE BREED TRIGGERS, LLC; RARE
BREED FIREARMS, LLC; LAWRENCE
DEMONICO; KEVIN MAXWELL,

Defendants.

1:23-CV-00369
(NRM) (RML)

DECLARATION OF MELISSA RODRIGUEZ

I, Melissa Rodriguez, have personal knowledge of the following facts set forth below, and if called as a witness I would testify as follows:

1. I serve as a Senior Forensic Auditor, Acting District Manager – Central I, with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I am currently assigned to the Financial Investigative Services Division and to the Tampa Field Division.

2. The Financial Investigative Services Division (FISD) provides comprehensive financial investigative services in support of ATF investigations.

3. The facts set forth in this declaration are based on my personal knowledge and experience; knowledge obtained during my participation in this investigation; information from other individuals, including other law enforcement officers conducting investigations into defendants, confidential informants, and other parties; witness interviews; and my review of documents, public records, ATF records, and other sources of information.

4. This investigation involves the Rare Breed Triggers model FRT-15, manufactured, marketed and sold by defendants Rare Breed Triggers, LLC (RBT), Rare Breed Firearms, LLC

(RBF), Kevin Maxwell (Maxwell), and Lawrence DeMonico (DeMonico). The investigation also involves these Defendants' sale of the Wide Open Trigger (WOT).

5. In part, my role in ATF's investigation into RBT includes reviewing financial records provided to ATF by a Confidential Source (CS) in addition to the documents produced by JPMorgan Chase, N.A., in response to a subpoena served by the United States on February 16, 2023 (JPMorgan Chase Records). Annexed as Exhibit A is a true and correct copy of excerpts of the JPMorgan Chase records.

FRT-15 SALES BY RARE BREED TRIGGERS

6. Rare Breed Triggers was first registered to do business in the State of Florida in May 2020.

7. In the course of ATF's investigation into RBT, the CS, who has knowledge of the inner workings of RBT, provided ATF with retail sales records for the period of January 1, 2021 to October 14, 2021. The CS also provided RBT dealer sales records to ATF. These were records in the possession of the CS or to which the CS otherwise had access.

10. According to the CS, RBT maintained separate records for sales made to its retail customers and sales made to its dealer network. The information provided by the CS contained RBT's sales records for dealers for the period of August 17, 2021 to September 28, 2021.

11. According to these dealer sales records, RBT maintained an account with JPMorgan Chase. RBT used this account when conducting business with dealers who purchased RBT's FRT-15. RBT instructed the dealers to pay RBT via wire transfer through JPMorgan Chase in New York, with an address at 270 Park Avenue, New York, New York, 10017.

12. The wired funds were transferred through JPMorgan Chase in New York per the instructions that DeMonico drafted and sent to RBT's dealer customers.

**RBT USES JPMORGAN CHASE NEW YORK TO PROCESS WIRE TRANSFERS
FROM FIREARM DEALERS PURCHASING THE FRT-15**

12. RBT provided a document titled “Rare Breed Triggers Bank Wire Transactions” to its dealers. These instructions directed dealers purchasing RBT’s FRT-15 to send payment to RBT by wire through JPMorgan Chase’s New York location:

BANK INFORMATION
Bank Name: JPMorgan Chase
Address: 270 Park Avenue
City, State Zip: New York, NY 10017
Account Name: Rare Breed Triggers, LLC
Account Number: 693581008
Routing Number: 267084131

Annexed as Exhibit B to this Declaration is a true and correct copy of RBT’s Bank Wire Instructions (Exhibit B).

13. RBT’s Bank Wire Instructions also instructed dealers RBT did business with to **“PLEASE NOTIFY US WHEN THE WIRE HAS BEEN SENT.”** Exhibit B (emphasis in the original).

14. RBT’s Bank Wire Instructions also instructed dealers that RBT did business with to “Send us an e-mail with your wire confirmation sheet attached along with a shipping address for your order. Upon receipt of the wire, we will ship your order the next business day.” Exhibit B.

15. On February 17, 2023, I reviewed documents produced by JPMorgan Chase, N.A., in response to a subpoena served by the United States on February 16, 2023. *See* Exhibit A. These records pertain to RBT’s JPMorgan Chase account No. 693581008 used by RBT to, among other things, direct dealers to wire money to RBT through JPMorgan Chase in New York.

Wire Transfers to JPMorgan Chase Always go Through New York

16. Federal Reserve banks provide Fedwire Funds Services (FedWire), which is a credit transfer service that permits the sending of money through the banking system. A bank may originate a wire transfer by instructing a Federal Reserve Bank, such as the Federal Reserve Bank in New York, to debit funds from its account with the Federal Reserve Bank and to credit that money to another bank's account with the Federal Reserve Bank. In the case of RBT, funds are being sent to JPMorgan Chase in New York City. The Federal Reserve Bank in New York assigns a number to the transaction and sends the information to JPMorgan Chase. JPMorgan Chase then withdraws the amount sent in the notification from the Federal Reserve Bank from a JPMorgan reserve account located at 270 Park Avenue, New York, New York, 10017. JPMorgan then deposits the amount into the beneficiary account listed on the notification and sends a notification back to the Federal Reserve Bank. Checks and balances are then completed at the Federal Reserve Bank. After completion, the Federal Reserve Bank sends the funds to JPMorgan Chase, to replenish the JPMorgan Chase reserve account held at 270 Park Avenue, New York, New York, 10017.

17. Every wire that transfers funds to JPMorgan Chase through the FedWire system ends up at the JPMorgan Chase reserve account at 270 Park Avenue, New York.

18. JPMorgan Chase distributes funds from the reserve account at 270 Park Avenue, New York to other JPMorgan Chase accounts at its branches throughout the country.

19. A wire transfer to JPMorgan Chase thus starts at the bank sending funds, goes to the Federal Reserve Bank in New York, then to JPMorgan Chase in New York, and then to a JPMorgan Chase branch.

20. Banks are not required to process their wires through New York. Other banks using FedWire use reserve accounts based in locations other than New York. For example, a wire to Wells Fargo goes from the originating bank, to the Federal Reserve, and then to Wells Fargo in San Francisco. As another example, a wire to Bank of America goes from the originating bank, to the Federal Reserve, and then to Virginia. Indeed, other banks do not use FedWire or touch on New York at all. An example of such a bank is the Bank of North Dakota.

**RBT'S JPMorgan Chase Records Showing Wire Transactions
Conducted Through New York Financial Institutions**

21. The JPMorgan Chase Records include bank statements RBT received each month. RBT began receiving these monthly statements in January 2021. *See* Exhibit A.

22. RBT received these monthly statements – documenting wire transfers facilitated by “Chase Nyc” – every month between January 2021 and December 2022, including wire payments from dealers.

23. Between January 6, 2021 through December 30, 2022, RBT's JPMorgan Chase monthly statements document at least 289 wire transfers that cleared through FedWire and JPMorgan Chase New York. Every one of those transactions indicated “Chase Nyc.”

24. Based on my review of the JPMorgan Chase Records, at least \$ 6,217,500.71 was wired through JPMorgan Chase in New York from January 6, 2021 through December 30, 2022. *See* Exhibit A.

25. For example, in January 2021, RBT received wire transfers from Big Daddy Enterprises, Inc (BDE) in the amounts of \$142,500 and \$384,000, which cleared through FedWire and JPMorgan Chase located at 270 Park Avenue, New York, New York, 10017. Exhibit A, Bates No. USA JPM 00005. The respective wire transfers for \$142,500 and \$384,000 are described as

follows on the RBT monthly statement (any identifying information pertaining to RBT's dealers purchasing the FRT-15 is removed from the below information):

- 01/15 **Fedwire Credit Via:** Bank [] Big Daddy Enterprises Inc Gainesville FL Ref: **Chase Nyc/Ctr/Bnf=Rare Breed Triggers, LLC** [] 142,500.00.
- 01/19 **Fedwire Credit Via:** Bank [] Big Daddy Enterprises Inc Gainesville FL Ref: **Chase Nyc/Ctr/Bnf=Rare Breed Triggers, LLC** [] 384,000.00.

Exhibit A (emphasis added).

26. As further examples, on February 1, 12 and 22, 2021, BDE wire transferred \$102,600.00, \$241,395.00, and \$427,500.00, respectively which cleared through FedWire and JPMorgan Chase NY. Exhibit A, Bates No. USA JPM 00011. Each of these transactions included the notation "Chase Nyc." *Id.*

27. Additionally, as other examples, on July 2, 12, 16, and 27, 2021, RBT was the beneficiary of four wire transfers from BDE each in the amount of \$142,500. *See* Exhibit A, Bates No. USA JPM 00050-51. In August 2021, RBT was the beneficiary of forty-two wire transfers from multiple dealers. *Id.*, Bates NO. USA JPM 00056-62. In September 2021, RBT was the beneficiary of eleven wire transfers from multiple dealers. *Id.*, Bates NO. USA JPM 00067-72. On March 2, 2022, RBT deposited a total of \$77,348 from 11 separate dealers using the "Chase Nyc" account. *Id.*, Bates NO. USA JPM 00134-142.

28. Each monthly statement included wire transfer transactions which cleared through FedWire and JPMorgan Chase New York. Each wire transfer recorded on each monthly statement included the notation "Chase Nyc." *See* Exhibit A.

29. From January 6, 2021 through November 30, 2021, JPMorgan Chase sent RBT its monthly JPMorgan Chase statements to RBT's Florida address; from December 1, 2021 through December 30, 2022, JPMorgan Chase sent RBT its monthly statements to RBT's North Dakota

address following RBT's incorporation in North Dakota. *See* Exhibit A, Bates NO. USA JPM 00096.

30. In September 2021, RBT had three credit card transactions for purchases from the Lee Spring Company in Brooklyn, New York. *See* Exhibit A. These credit card transactions are recorded on RBT's JPMorgan Chase monthly statement for the period of September 1, 2021, through September 30, 2021. *See id.*

31. I have also reviewed documents provided by Defendants reflecting wire transfer requests or authorizations. Annexed as Exhibit C is a true and correct copy of these documents bearing Bates Nos. RBT1-RBT6 RBT6-20; RBT22-32, RBT42-46 (Exhibit C).

32. On these wire transfer forms or authorization forms, only seventeen of which Defendants have provided to date, RBT is identified as receiving the wired funds at the following address: 270 Park Avenue, New York, New York, 10017.

33. In an email dated August 23, 2021 sent by RBT from the following email address, dealersales@rarebreedtriggers.com to a dealer, RBT stated: "Please see attached invoice and wire transfer instructions. Payments for dealer account sales must be made via wire transfer ONLY, per the dealer program initial info sent out. ACH transfer payments will NOT be accepted. Sorry for any inconvenience." *See* Exhibit C, at RBT18.

34. Based on my review of the document set forth in Exhibit C, which consists of a subset of wire transmission information provided by Defendants, firearms companies wired tens of thousands of dollars to RBT's JPMorgan Chase bank account located in New York City. These wires reflect only certain records that the Defendants turned over in discovery; JPMorgan Chase records show that there were many more such transactions. The below chart is compiled from Defendants' production:

Page Number	Wire amount	Date
RBT20	\$45,150	August 23, 2021
RBT10	\$18,060	August 27, 2021
RBT13	\$8,025	August 19, 2021
RBT45	\$6420	September 2, 2021
RBT7	\$3,215	August 24, 2021
RBT15	\$3,215	August 18, 2021
RBT17	\$3,215	August 24, 2021
RBT30	\$3,215	August 19, 2021
RBT46	\$3,215	August 19, 2021
RBT32	\$3,215	August 19, 2021
RBT42	\$3,215	August 25, 2021
RBT44	\$3,215	August 25, 2021

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on February 23, 2023.

By: _____
Melissa Rodriguez
Senior Forensic Auditor